



US Army Corps
of Engineers
St Paul District

APPLICANT: Northland
Constructors Inc.

Public Notice

ISSUED: October 22, 2001
EXPIRES: November 21, 2001

REFER TO: 01-05892-TWP

SECTION: 404 - Clean Water Act

1. APPLICATION FOR PERMIT TO discharge fill material in 2.86 acres of wetlands adjacent to Wild Rice Lake, ultimately a tributary to the St. Louis River. The work is for expansion of a yard, storage area, and aggregate re-cycling facility.

2. SPECIFIC INFORMATION.

APPLICANT'S ADDRESS: 4843 Rice Lake Road
Duluth, MN 55803

CONTACT: Wayne Jordahl
Northland Constructors, Inc.
4843 Rice Lake Road
Duluth, MN 55803

PROJECT LOCATION: The project site is located in NE 1/4 NE 1/4 Sec. 31, T. 51N., R. 14W., St. Louis County, Minnesota. The approximate UTM coordinates are Zone 15, 5190100 North, 564500 East.

DESCRIPTION OF PROJECT: The applicant is proposing to develop a 5.0 acre site for expansion of their construction and aggregate re-cycling operation. The proposed site is located immediately adjacent to their existing operation. The expansion site would provide needed space for parking of construction equipment (especially during the winter), storage of construction materials, and expansion of their aggregate re-cycling operation.

QUANTITY, TYPE, AND AREA OF FILL: The project would result in the loss of approximately 2.86 acres of forested wetland adjacent to Wild Rice Lake.

The site would be cleared of vegetation, and filled with approximately 60,000 cubic yards of material obtained from various job sites. Fill is expected to consist of soil, rock, and concrete.

MITIGATION: The applicant states that they need room for equipment and material storage and expansion of their business. They have stated they have been unable to locate any suitable parcels within a reasonable distance of their current site which are suitably zoned and do not contain wetlands.

As compensation for the 2.86 areas of wetland that would be lost due to the project, the applicant is proposing to purchase 3.60 acres of

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new wetland credit (type 2) from the Deer Run II Wetland Mitigation Bank located in Aitkin County, Minnesota.

VEGETATION IN AFFECTED AREA: The wetlands which would be impacted by the project are primarily forested with dominant vegetation consisting of quaking aspen, paper birch, speckled alder, and associated species.

SOURCE OF FILL MATERIAL: Fill materials would be obtained (excavated) from various, and yet undetermined, construction sites over the next several years.

SURROUNDING LAND USE: The surrounding area contains a mix of commercial and rural residential use.

THE FOLLOWING POTENTIALLY TOXIC MATERIALS COULD BE USED AT THE PROJECT SITE: Unknown

THE FOLLOWING PRECAUTIONS TO PROTECT WATER QUALITY HAVE BEEN DESCRIBED BY THE APPLICANT: Standard construction practices would be used. The applicant has stated that the limits of the graded area would have contoured slopes no less than 3H:1V, a 5-inch covering of loamy topsoil, be planted with MNDOT Critical Area Seeding Mix, and mulched with MNDOT Category 4 bio-blanket and a staked silt fence at its base.

3. REPLIES/COMMENTS.

Interested parties are invited to submit to this office written facts, arguments, or objections within 30 days of the date of this notice. These statements should bear upon the suitability of the location and the adequacy of the project and should, if appropriate, suggest any changes believed to be desirable. Comments received may be forwarded to the applicant.

Replies may be addressed to Regulatory Branch, St. Paul District, Corps of Engineers, 1554 Highway 2, Suite 2, Two Harbors, MN 55616.

Or, IF YOU HAVE QUESTIONS ABOUT THE PROJECT, call Tim Peterson at the Two Harbors office of the Corps, telephone number (218) 834-6630.

4. FEDERALLY-LISTED THREATENED OR ENDANGERED WILDLIFE OR PLANTS OR THEIR CRITICAL HABITAT.

None were identified by the applicant or are known to exist in the permit area. However, St. Louis County is within the known or historic range of the following Federally-listed threatened species:

<u>Species</u>	<u>Habitat</u>
Bald eagle (T)	Breeding
Gray wolf (T)	Northern forested areas (a primary range county)

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This application is being coordinated with the U.S. Fish and Wildlife Service. Any comments it may have concerning Federally-listed threatened or endangered wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

5. JURISDICTION.

This project comes under the regulatory jurisdiction of the Corps of Engineers because the wetland is adjacent to and is a tributary to Wild Rice Lake which is tributary to the St. Louis River, a navigable water of the United States.

REGULATORY AUTHORITY: This application will be reviewed according to the provisions of Section 404 of the Clean Water Act. Therefore, our public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 Code of Federal Regulations 230).

THE APPLICANT HAS STATED THAT THE FOLLOWING STATE, COUNTY, AND/OR LOCAL PERMITS HAVE BEEN APPLIED FOR/ISSUED: The project application was also submitted to St. Louis County, Rice Lake Township, and the So. St. Louis Soil and Water Conservation District.

6. STATE SECTION 401 WATER QUALITY CERTIFICATION.

Valid Section 404 permits cannot be issued for any activity unless state water quality certification for the activity is granted or waived pursuant to Section 401 of the Clean Water Act. The state Section 401 authority in Minnesota is the Minnesota Pollution Control Agency (MPCA). The St. Paul District has provided this public notice and a copy of the applicant's Section 404 permit application form to the MPCA. If MPCA needs any additional information in order for the Section 401 application to be considered complete by MPCA, the MPCA has indicated that it will request such information from the applicant. It is the permit applicant's responsibility to ensure that the MPCA has received a valid, complete application for state Section 401 certification and to obtain a final Section 401 action from the MPCA.

The MPCA has indicated that this public notice serves as its public notice of the application for Section 401 water quality certification under Minnesota Rules Part 7001. The MPCA has also indicated that the time period provided by the Clean Water Act for it to take a final Section 401 action shall begin to commence upon the issuance date of this public notice unless the MPCA notifies both the St. Paul District and the permit applicant to the contrary, in writing, before the expiration date of this public notice.

Any comments relative to MPCA actions concerning the activity proposed in this public notice must be sent before the expiration date of this public notice period to:

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Minnesota Pollution Control Agency
Metro District - Attention 401 Certification
520 Lafayette Road
St. Paul, Minnesota 55155-4194

Telephone (651) 297-8219

7. HISTORICAL/ARCHAEOLOGICAL.

This public notice is being sent to the National Park Service, the State Archaeologist, and the State Historic Preservation Officer to determine if there are known cultural resources which may be affected by the described work. Any unknown archaeological, scientific, or historical data could be lost or destroyed by the work described in the permit application. However, the latest version of the National Register of Historic Places has been consulted and no listed properties (known to be eligible for inclusion, or included in the Register) are located in the project area.

8. PUBLIC HEARING REQUESTS.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, in detail, the reasons for holding a public hearing. A request may be denied if substantive reasons for holding a hearing are not provided or if there is otherwise no valid interest to be served.

9. PUBLIC INTEREST REVIEW.

The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production and, in general, the needs and welfare of the people. Environmental and other documents will be available for review in the St. Paul District Office.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects,

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and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Enclosures



Julett Denton
Chief, Minnesota Permits Section

NOTICE TO EDITORS: This public notice is provided as background information and is not a request or contract for publication.



PROJECT SITE

STATE
William O'Brien State Park, Fort Snelling State Park

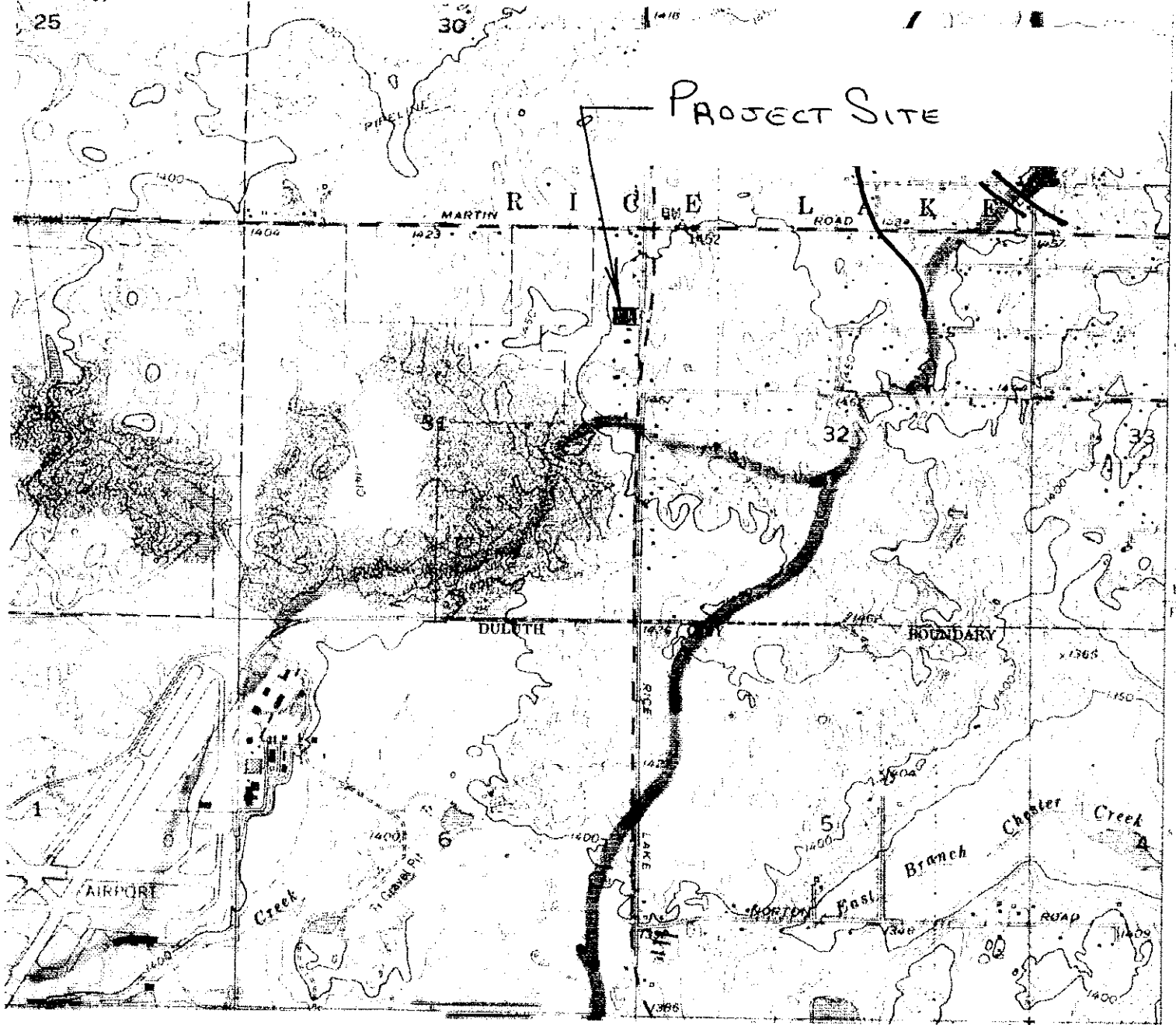
01-05892-TWP
Dwg 1

DULUTH HEIGHTS, MINN

PROJECT SITE

01-05892-TWP

Dear ?



Watershed map for Northland Constructors proposed fill area; 4843 Rice Lake Road,
Duluth MN Date: 8/23/01

Red rectangle is proposed site.

North part is Rice Lake Sub-watershed of Cloquet River Watershed.

East part is Chester Creek Sub-watershed of lake Superior (South) Watershed.

Southwest part is Miller Creek Sub-Watershed of St. Louis River Watershed.

Prepared by Thomas A. Fait- PSS, PWS

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N. . . ?



SOIL & WATER- ENVIRONMENTAL CONSULTING

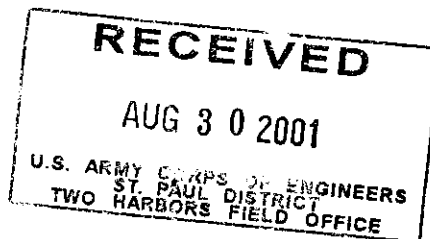
6270 WEST BOWMAN LAKE ROAD

DULUTH, MN 55803-9463 Phone: 218-729-5402 Email: tomfai@cp.duluth.mn.us

Internet Address: www.cp.duluth.mn.us/~tomfai/

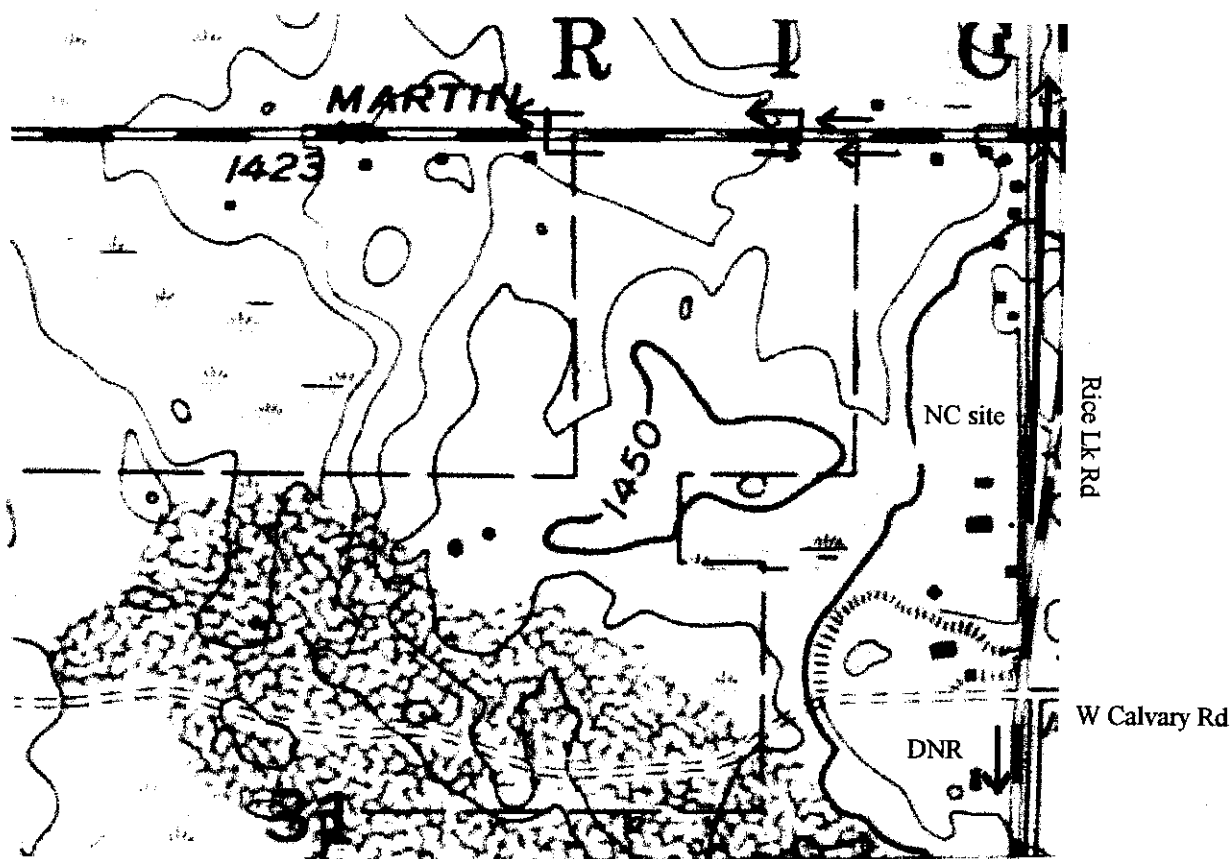
August 28, 2001

To: Wayne Jordahl
Northland Constructors Inc.
4843 Rice Lake Road
Duluth MN 55803



RE: Road Ditch System Water Flows

The following map represents the road ditch system as gleaned from St. Louis County Public Works project drawings.



Sincerely,

Thomas A. Fait

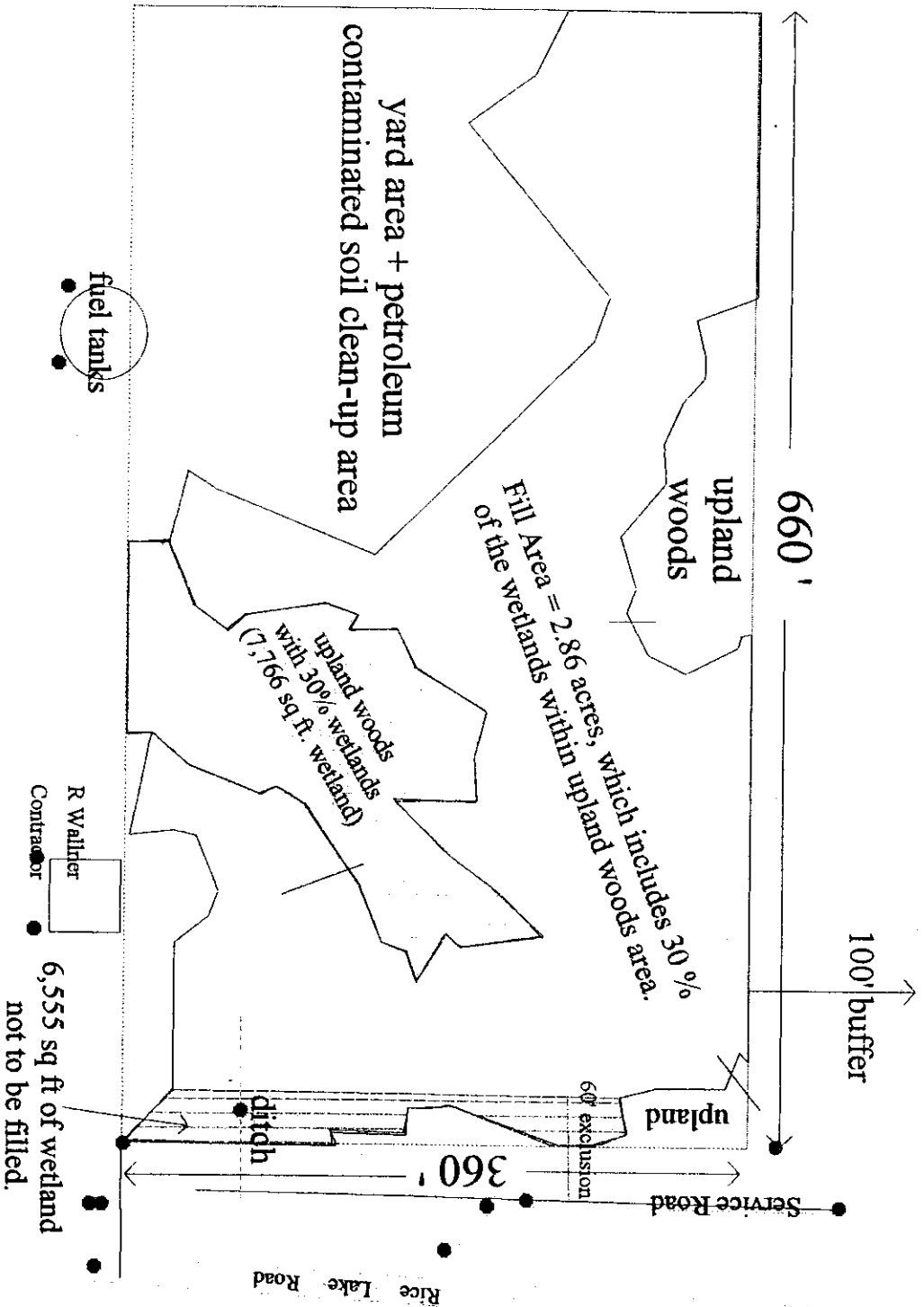
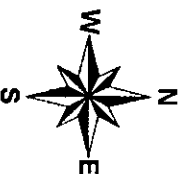
Thomas A. Fait- PSS # 30026, State of Minnesota

PWS #362, Society of Wetland Scientists

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Dwa 4

Planned Wetland Fill



Wetland Delineation, GPS and GIS by
Soil & Water-Environmental Consulting
Duluth MN 729-5402 Updated 8/23/01

Scale = 1 : 100.00 (1 in : US Feet)

Northland Constructors 4843 Rice Lake Road

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